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PART B - FEE(S) TRANSMITTAL

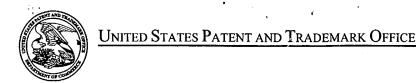
Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as maintenance fee notifications.

CURRENT CORRESPONDEN	CE ADDRESS (Note: Legibly mark-	up with any corrections or use Block 1)			
÷••			Note: A certificate Fee(s) Transmittal.	of mailing can only be used This certificate cannot be used onal paper, such as an assignmate of mailing or transmission.	for domestic mailings of the
35617 7	7590 06/28/2004		papers. Each addition	onal paper, such as an assignment	ent or formal drawing, mus
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					(Depositor's name)
					(Signature)
					(Date)
APPLICATION NO.	FILING DATE	FIRST NAME	D INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,274	12/21/2000	James C.	Ashby III		
TITLE OF INVENTION: A	PPARATUS: SYSTEM AN	D METHOD FOR RECORDIN	CANDOR RETRIEVING	5007-00700	3193
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APPLN, TYPE	SMALL ENTITY	ISSUE FEE			
nonprovisional			PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
/*	YES	\$665	\$0	\$665	09/28/2004
EXAM		ART UNIT	CLASS-SUBCLASS	7	
MCFADDEN,	SUSAN IRIS	2655	704-270000	_	
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(A) NAME OF ASSIGNE	E	ubmitted under separate cover. (Completion of this form is NO E: (CITY and STATE OR CO	T a substitute for filing an assignment	gnment.
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Director for Patents is request	ed to apply the Issue Fee and	d Publication Fee (if any) or to r	e-apply any previously paid is	ssue fee to the application iden	tified above.
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other than the applicant; a	registered attorney or ager	d) will not be accepted from an at; or the assignee or other par ent and Trademark Office.	nyone rty in		
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suggestions for reducing this	s burden, should be sent to	in and Hademark Office. 3.311. The information is requited (and by the USPTO to process 2 and 37 CFR 1.14. This collect hering, preparing, and submitting vary depending upon the individual to complete this form a the Chief Information Officer, Commerce, Alexandria, VED FORMS TO THIS ADDR in a 22313-1450.	nd/or U.S.		
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NOTICE OF ALLOWANCE AND FEE(S) DUE

35617

CONLEY ROSE, P.C.

P.O. BOX 684908

AUSTIN, TX 78768

06/28/2004

EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 06/28/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,274	12/21/2000	James C. Ashby III	5007-00700	3193

TITLE OF INVENTION: APPARATUS, SYSTEM AND METHOD FOR RECORDING AND/OR RETRIEVING AUDIO INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	09/28/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

	Application No.	Applicant(s)
Notice of Allevertills	09/747,274	ASHBY ET AL.
Notice of Allowability	Examiner	Art Unit
	Susan McFadden	2655
The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (therewith (or previously mailed), a Notice of Allowance (PTOL-85) of NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGORY of the Office or upon petition by the applicant. See 37 CFR 1.313 at 1. This communication is responsive to Amendment C filed 12.	OR REMAINS) CLOSED in thing of the communition of the communition of the communities. This application is subjudied MPEP 1308.	s application. If not included ation will be mailed in due course. THIS
	<u>-10-03</u> .	
2. The allowed claim(s) is/are <u>1-39</u> .		
3. \square The drawings filed on <u>21 December 2000</u> are accepted by the	ne Examiner.	
 4. ☐ Acknowledgment is made of a claim for foreign priority und a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have to a copies of the priority documents have to a copies of the certified copies of the priority documents have to a copies of the certified copies of the priority documents have to a copies of the	peen received. Deen received in Application N	o
Applicant has THREE MONTHS FROM THE "MAILING DATE" of noted below. Failure to timely comply will result in ABANDONME THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	NT of this application.	
 A SUBSTITUTE OATH OR DECLARATION must be submitt INFORMAL PATENT APPLICATION (PTO-152) which gives 	ed. Note the attached EXAMII reason(s) why the oath or dec	NER'S AMENDMENT or NOTICE OF claration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must	be submitted.	
(a) I including changes required by the Notice of Draftsperson		TO-948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's A Paper No./Mail Date	Amendment / Comment or in t	he Office action of
Identifying indicia such as the application number (see 37 CFR 1.8 each sheet. Replacement sheet(s) should be labeled as such in the	4(c)) should be written on the di header according to 37 CFR 1.	awings in the front (not the back) of
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT FOR	t of BIOLOGICAL MATERIA OR THE DEPOSIT OF BIOLO	AL must be submitted. Note the GICAL MATERIAL.
Attachment(s) 1. Notice of References Cited (PTO-892)	5 Notice of Inform	ol Detect Application (DTO 450)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	5. ☐ Notice of Inform 6. ☑ Interview Summ	al Patent Application (PTO-152)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08)	Paper No./Mail	Date <u>11</u> .
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8 🕅 Evaminar's Stat	ement of Reasons for Allowance
of Biological Material	9. Other	omone of reasons for Allowance
·		Susan McFadden Primary Examiner Art Unit: 2655



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	N NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO.
09/747,274 12/21/2000		12/21/2000	James C. Ashby III	5007-00700	3193
35617	7590	06/28/2004		EXA	MINER
CONLEY RO	SE, P.C.			MCFADDE	N, SUSAN IRIS
P.O. BOX 6849 AUSTIN, TX 7				ART UNIT	PAPER NUMBER
AUSTIN, IA	0700			2655	

DATE MAILED: 06/28/2004

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

A reissue patent is for "the unexpired part of the term of the original patent." See 35 U.S.C. 251. Accordingly, the above-identified reissue application is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Application/Control Number: 09/747,274

Art Unit: 2655

DETAILED ACTION

Response to Amendment

1. In response to the Final Office Action mailed April 15, 2003 applicants have submitted an Amendment After Final, filed 12-16-03 (C/M) and a supplemental declaration as well as the surrendered patent. There being no art rejections, and since the amendments added limitation equivalent to those that made allowable the claims in the parent application, the improper recapture rejections of claims 5-39 have been withdrawn, and the application is in condition for allowance, for reasons given next.

REASONS FOR ALLOWANCE

- 2. Claims 1-39 are allowed.
- 3. The following is an examiner's statement of reasons for allowance: As indicated in previous Office Actions, independent claim 1 (original claim 19 of parent application 07/854,192) is deemed allowable over Kondo in view of Tarlow because they do not teach or fairly suggest a recordable releasibly secured product label which can be repetitively and reusably recorded. Dependent claims 2-3 (original claims 20-21) further limit claim 1 (original claim 19).

Also, per previous Office Actions, independent claim 4 (original claim 22 of parent application 07/854,192) is deemed allowable over Dittakavi because he does not teach a voice recorder capable of recording a voice input and playing it back as a vocal message corresponding to a bar-coded label.

Amended independent claims 5,12,18,24,29, and 35 are now allowed because they recite a combination of limitations including a voice recorder capable of recording a

Art Unit: 2655

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telephone quality of non-synthesized vocal message from voice input, which is played back upon receipt of a bar code signal from a bar code reader. Dependent claims 6-11,13-17,19-23,25-28,30-34, and 36-39 are allowed because they further limit claims 5,12,18,29, and 35, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan McFadden

Application/Control Number: 09/747,274

Art Unit: 2655

Primary Examiner Art Unit 2655

May 12, 2004

	Application No.	Applicant(s)	
Interview Summary	09/747,274	ASHBY ET AL.	
mos vion danniary	Examiner	Art Unit	
	Susan McFadden	2655	
All participants (applicant, applicant's representative, PTO p	personnel):		
(1) Talis Smits, Primary Examiner.	(3)	.	
(2) Kevin Daffer, Applicant's Representative.	(4)		
Date of Interview: <u>6-17-03</u> .			
Type: a)☐ Telephonic b)☐ Video Conference c)☐ Personal [copy given to: 1)☐ applicant 2	t) applicant's representativ	e]	
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)⊠ No.		
Claim(s) discussed: <u>5,12,18,24,29</u> , and <u>35</u> .			
Identification of prior art discussed:			
Agreement with respect to the claims f)⊠ was reached. g)) was not reached. h) □ N	N/A.	
Substance of Interview including description of the general reached, or any other comments: <u>Mr. Daffer proposed amerimproper recapture rejection. The Examiner indicated that so 35 are further amended to incorporate the phrase "a voice of the Examiner agreed that he regarded a "non-synthesized a quality" signal.</u>	ndments to claims 5,12,18,24 aid rejection would be withdr ecorder capable of" before "r	4,29, and 35 to overcome awn, provided claims 29 and recording a vocal message."	
(A fuller description, if necessary, and a copy of the amenda allowable, if available, must be attached. Also, where no co allowable is available, a summary thereof must be attached.	ppy of the amendments that w	reed would render the claims vould render the claims	
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE AC INTERVIEW. (See MPEP Section 713.04). If a reply to the I GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR T FORM, WHICHEVER IS LATER, TO FILE A STATEMENT O Summary of Record of Interview requirements on reverse sid	last Office action has already FHE MAILING DATE OF THIS OF THE SUBSTANCE OF TH	been filed, APPLICANT IS S INTERVIEW SUMMARY	
Examiner Note: You must sign this form unless it is an			
Attachment to a signed Office action.	Examiner's signa	ature, if required	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by
 attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does
 not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed.
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 - (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Notice of References Cited Application/Control No. O9/747,274 Examiner Art Unit Page 1 of 3 Page 1 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-3,462,157	08-1969	BARNETT WILLARD L; et. al.	369/68
*	В	US-3,766,882	10-1973	Babbitt, III, Dean R.	116/308
*	С	US-4,337,375	06-1982	Freeman, Alfred B.	704/260
*	D	US-4,361,408	11-1982	Wirtschafter, Jonathan	368/10
*	E	US-4,368,988	01-1983	Tahara et al.	368/63
*	F	US-4,381,558	04-1983	Bearden, Robert	369/68
*	G	US-4,391,530	07-1983	Wakabayashi et al.	368/63
*	Н,	US-4,405,241	09-1983	Aihara et al.	368/63
*	ı	US-4,419,016	12-1983	Zoltan, Bart J.	368/10
*	J	US-4,448,541	05-1984	Wirtschafter, Jonathan D.	368/10
*	К	US-4,548,511	10-1985	Yabe, Hiroshi	368/10
*	L	US-4,602,152	07-1986	Dittakavi, Ashok	235/462.07
	М	US-4,611,262	09-1986	Galloway et al.	361/813

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					· · · · · · · · · · · · · · · · · · ·
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NON-PATENT DOCUMENTS

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*	ļ	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	w	
	X	

^{*}A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited Application/Control No. 09/747,274 Examiner Susan McFadden Applicant(s)/Patent Under Reexamination ASHBY ET AL. Page 2 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-4,630,301	12-1986	Hohl et al.	704/275
*	В	US-4,631,715	12-1986	Hoover, Lawrence E.	369/68
*	С	US-4,646,350	02-1987	Batra, Vijay K.	704/272
*	D	US-4,660,991	04-1987	Simon, Udo	368/10
*	Е	US-4,678,093	07-1987	Allen, Sammy G.	215/11.1
*	F	US-4,731,765	03-1988	Cole et al.	368/10
*	G	US-4,768,177	08-1988	Kehr et al.	368/10
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